

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Michael Kubayanda, Chairman;
Ashley E. Poling, Vice Chairwoman;
Mark Acton;
Ann C. Fisher; and
Robert G. Taub

Complaint of Happy Trails, Inc.

Docket No. C2021-1

ORDER GRANTING THIRD MOTION FOR EXTENSION OF TIME

(Issued June 8, 2021)

On April 23, 2021, Happy Trails Community Association, Inc. (Complainant), an Arizona-based nonprofit corporation, filed a complaint pursuant to 39 U.S.C. §§ 3662(a) and 403(c) concerning its “Transient Development” classification by the Postal Service.¹ On May 12, 2021, the Postal Service filed a motion to dismiss the Complaint.² In accordance with 39 C.F.R. § 3010.160(b), the Complainant’s original deadline for filing an answer to the Motion to Dismiss was May 19, 2021.

On May 19, 2021, Complainant filed a Motion to Extend Deadline to Respond to the Motion to Dismiss, requesting that its deadline to respond be moved to June 2,

¹ Complaint Regarding the United States Postal Service’s Erroneous Classification of Complainant as a Transient Development, April 23, 2021 (Complaint).

² United States Postal Service Motion to Dismiss, May 12, 2021 (Motion to Dismiss).

2021.³ The Commission granted the First Motion to Extend on May 19, 2021.⁴ On June 1, 2021, Complainant requested a second extension for its response to the Motion to Dismiss, seeking to extend the deadline to respond to the Motion to Dismiss by 7 additional days.⁵ Second Motion to Extend at 2. The Commission granted the Second Motion to Extend on June 2, 2021.⁶

Complainant now requests a third extension to its deadline to respond to the Motion to Dismiss.⁷ Complainant asserts that this request is made so that it can continue settlement discussions with the Postal Service, and seeks 7 additional days for a response. Third Motion to Extend at 2. Complainant states that the Postal Service does not oppose its request. *Id.*

Based on the pendency of settlement discussions between the parties that may resolve the matter at hand, the Commission grants the Motion to Extend Complainant's Deadline to provide Complainant additional time to answer the Motion to Dismiss. However, the Commission notes that absent extraordinary circumstances, it will not continue to grant requests for extensions of time in this matter. As adjudicator of the complaint process, the Commission is responsible for ensuring dockets comply with procedural rules and are resolved in a timely manner. The Commission has a statutory mandate to determine whether a complaint raises material issues of fact or law within 90 days of the date the complaint is filed. 39 U.S.C. § 3662(b)(1)(A). Repeated extensions undermine the Commission's goal of resolving disputes in a transparent and efficient manner.

³ Complainant's Consented to Motion to Extend Complainant's Deadline to Respond to United States Postal Service's Motion to Dismiss, May 19, 2021 (First Motion to Extend).

⁴ Order Granting Motion for Extension of Time, May 19, 2021 (Order No. 5895).

⁵ Complainant's Consented to Motion to Extend Complainant's Deadline to Respond to United States Postal Service's Motion to Dismiss (Second Request), June 1, 2021 (Second Motion to Extend).

⁶ Order Granting Motion for Extension of Time, June 2, 2021 (Order No. 5906).

⁷ Complainant's Consented to Motion to Extend Complainant's Deadline to Respond to United States Postal Service's Motion to Dismiss (Third Request), June 8, 2021 (Third Motion to Extend).

The Commission extends the filing deadline by 7 days. The Complainant shall file any answer to the Motion to Dismiss on or before June 16, 2021.⁸

It is ordered:

1. Complainant's Consented to Motion to Extend Complainant's Deadline to Respond to United States Postal Service's Motion to Dismiss (Third Request), filed June 8, 2021, is granted.
2. The deadline for filing an answer to the Postal Service's Motion to Dismiss, filed May 12, 2021, is extended to June 16, 2021.

By the Commission.

Erica A. Barker
Secretary

⁸ If the parties continue settlement discussions beyond this date, Complainant may opt to voluntarily withdraw the Complaint and refile at a later date if such discussions are unproductive.